

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC., and
ENBRIDGE ENERGY, LP

Defendants.

Case No. 3:19-cv-00602

Judge William M. Conley
Magistrate Judge Stephen Crocker

ENBRIDGE ENERGY, LP

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION and
NAOMI TILLISON, in her official capacity

Counter-Defendants.

**ENBRIDGE ENERGY, LP'S NOTICE OF WITHDRAWAL OF MOTION TO COMPEL
TO PERMIT ENTRY ONTO THE RESERVATION TO APPRAISE LANDS**

Defendants Enbridge Energy, Limited Partnership ("Enbridge") hereby voluntarily withdraws without prejudice its Motion to Compel to Permit Entry Onto the Reservation to Appraise Lands (the "Motion") (Dkt. No. 113) and states as follows:

1. On March 29, 2021, Enbridge filed the Motion, seeking access for its Rule 26 experts to conduct appraisals of parcels relevant to the litigation on the Reservation of the Bad River Band of the Lake Superior Tribe of Chippewa Indians (the "Band").

2. On April 5, 2021, the Band filed its opposition to the Motion.

3. Last week, the parties worked to resolve the Motion without court intervention, arranging for access to the Reservation to occur this week. The parties informed the Court of these developments via letter on April 9, 2021 (Dkt. No. 120).

4. The appraisals scheduled for this week have occurred and are now completed, therefore, as stated in the April 9, 2021 letter (Dkt. No. 120), Enbridge voluntarily withdraws its Motion without prejudice

5. By withdrawing its Motion, Enbridge does not admit or accept any of the legal arguments or representations made by the Band in its motion. Enbridge preserves all rights to refile the Motion should pursuant to Fed. R. Civ. P. 34 should future access issues arise.

Dated: April 14, 2021

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Respectfully submitted,

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*Counsel for Enbridge Energy Company, Inc., and
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CERTIFICATE OF SERVICE

I certify that on April 14, 2021, I served the foregoing document on all counsel of record using the Court's ECF system.

/s/ David L. Feinberg
David L. Feinberg